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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor	(S): Betty Ann Weaver	Case No: 16-13035-RGM
This plan, dated _	September 15, 2016 , is:	
V	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the confirmed or unconfirmed Plan dated.	
	Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	
T	he Plan provisions modified by this filing are:	
C	reditors affected by this modification are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$293,303.00

Total Non-Priority Unsecured Debt: \$13,055.77

Total Priority Debt: \$1,730.08 Total Secured Debt: \$176,748.00

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$516.00 Monthly for 60 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 30,960.00 .
- **2. Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 3,400.00 balance due of the total fee of \$ 5,100.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

 Creditor
 Type of Priority
 Estimated Claim
 Payment and Term

 Internal Revenue Service
 Taxes and certain other debts
 1,730.08
 Prorata 4 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Monthly Payment To Be Paid By
-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- **A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately **100** %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately **100** %.
- B. Separately classified unsecured claims.

<u>Creditor</u> <u>Basis for Classification</u> <u>Treatment</u>

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

<u>Creditor</u>	<u>Collateral</u>	Regular Contract <u>Payment</u>	Estimated Arrearage	Arrearage Interest Rate	Estimated Cure Period	Monthly Arrearage <u>Payment</u>
BSI Financial Services	8044 LEEDS MANOR ROAD MARSHALL, VA	700.00	11,600.00	0%	28 months	Prorata
Ditech Financial Llc	8044 LEEDS MANOR ROAD MARSHALL, VA	300.00	900.00	0%	28 months	Prorata
*Santander Consumer USA	2014 Ford Explorer Joint ownership	488.00	0.00	0%	0 months	*TO BE PAID BY CO-DEBTOR

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment	Arrearage Rate	<u>Arrearage</u>	Payment
-NONE-		·			

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

<u>Creditor</u> <u>Type of Contract</u>

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Monthly
Payment Estimated

Creditor Type of Contract Arrearage for Arrears Cure Period

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Creditor Type of Contract Arrearage for Arrears Cure Period

NONE
Monthly
Payment Estimated
for Arrearage for Arrears
Cure Period

- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

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Signature	es:		
Dated:	Septeml	per 15, 2016	
/s/ Betty	Ann Weav	/er	/s/ John C. Morgan
Betty Anı	n Weaver		John C. Morgan 30148
Debtor			Debtor's Attorney
Exhibits:		opy of Debtor(s)' Budget (Sche atrix of Parties Served with Pl	
I certify th Service Li		eptember 15, 2016 , I mailed a	Certificate of Service copy of the foregoing to the creditors and parties in interest on the attached
		/s/ Joh	n C. Morgan
		John C	. Morgan 30148
		Signatu	re
		98 Alex	andria Pike
		Suite 1	
			ton, VA 20186
		Addres	S
		540-34	9-3232
		Teleph	one No.

Ver. 09/17/09 [effective 12/01/09]

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	in this information to											
		Betty Ann W	eaver			_						
	otor 2 ouse, if filing)					_						
Uni	ted States Bankrup	otcy Court for the	EASTERN DISTRICT	OF VIRGINIA								
_		-13035					Chec	k if this is	:			
(If kr	nown)							n amend		-		
											postpetition lowing date	
0	fficial Form	106I					N	1M / DD/	YYYY			
S	chedule I:	Your Inco	ome									12/1
atta	ch a separate she	et to this form. (r spouse is not filing wi On the top of any addition	onal pages, write yo				umber (if	knowr	n). An	swer ever	y question
	information.	•		Debtor 1						on-filir	ng spouse	1
	If you have more attach a separate		Employment status	■ Employed				☐ Emp	•	اد د.		
	information about employers.	t additional		☐ Not employed				□ Not €	empioy	ea		
	Include part-time	seasonal or	Occupation	Caregiver								
	self-employed wo		Employer's name	Public Partners	}							
	Occupation may or homemaker, if		Employer's address	One Cabet Rd., Medford, ME 02		2						
			How long employed the	here? 2 Years	s, 0 Mor	iths		_				
Par	t 2: Give De	tails About Mon	thly Income									
	mate monthly incouse unless you are		ate you file this form. If y	you have nothing to r	eport for	any	ine, write	e \$0 in the	space). Inclu	ude your no	on-filing
	ou or your non-filing e space, attach a s		re than one employer, co	ombine the informatio	n for all e	emplo	oyers for	that pers	on on t	he line	es below. If	you need
							For Del	otor 1			tor 2 or g spouse	
2.			ry, and commissions (be calculate what the monthly		2.	\$	1	,014.30	\$_		N/A	_
3.	Estimate and lis	t monthly overti	me pay.		3.	+\$		0.00	+\$		N/A	_
1	Calculate gross	Income Add lin	o 2 ± lino 3		1	•	1.0	1/1 20	•		NI/A	

Debt	tor 1	Betty Ann Weaver	-	C	ase	number (if known)	16-1	13035		
						Debtor 1	nor	r Debtor n-filing s	pouse	
	Cop	by line 4 here	4.		\$_	1,014.30	\$_		N/A	_
5.	List	all payroll deductions:								
	5a.	Tax, Medicare, and Social Security deductions	5a		\$	0.00	\$		N/A	
	5b.	Mandatory contributions for retirement plans	5b		\$_	0.00	\$	-	N/A	_
	5c.	Voluntary contributions for retirement plans	5c.		\$	0.00	\$		N/A	_
	5d.	Required repayments of retirement fund loans	5d		\$_	0.00	\$		N/A	_
	5e.	Insurance	5e		\$_	0.00	\$_		N/A	_
	5f.	Domestic support obligations	5f.		\$_	0.00	\$_		N/A	_
	5g. 5h.	Union dues Other deductions. Specify:	5g		\$_ \$	0.00	+ \$_		N/A	_
_			_ 5h		· —	0.00	· -		N/A	_
6.		the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.		\$ _	0.00	\$_		N/A	_
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.		\$ _	1,014.30	\$_		N/A	_
8.	List 8a.	all other income regularly received: Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a		\$	0.00	\$		N/A	
	8b.	Interest and dividends	8b		\$_	0.00	\$		N/A	_
	8c.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.		\$	0.00	\$		N/A	
	8d.	Unemployment compensation	8d		\$_	0.00	\$		N/A	_
	8e.	Social Security	8e		\$	1,280.00	\$_		N/A	_
	8f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f.		\$	0.00	\$_		N/A	_
	8g.	Pension or retirement income	8g		\$_	1,779.69	\$_		N/A	_
	8h.	Other monthly income. Specify:	8h	.+	\$	0.00	+ \$_		N/A	_
9.	Add	d all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	i	3,059.69	\$_		N/A	4
10	Cal	culate monthly income. Add line 7 + line 9.	10.	\$		4,073.99 + \$		N/A	= \$	4,073.99
		I the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.		*-		1,070.00		1473		4,070.00
11.	Star Incli othe Do	te all other regular contributions to the expenses that you list in Schedule ude contributions from an unmarried partner, members of your household, your or friends or relatives. not include any amounts already included in lines 2-10 or amounts that are not accify:	depe			•		Schedule	e J. +\$	0.00
12.		If the amount in the last column of line 10 to the amount in line 11. The rest that amount on the Summary of Schedules and Statistical Summary of Certain lies						e. 12.	\$	4,073.99
13.	Do :	you expect an increase or decrease within the year after you file this form No.	?						Combi month	ned ly income
		No.								

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-الح	in the inform	tion to identify				1		
		tion to identify yo						
Deb	tor 1	Betty Ann W	eaver				eck if this is:	
Deb	tor 2						ū	wing postpetition chapter
(Spo	ouse, if filing)					_	13 expenses as of	the following date:
Unit	ed States Bankr	uptcy Court for the	: EASTE	RN DISTRICT OF VIRGIN	IIA		MM / DD / YYYY	
	e number 16	6-13035						
(II KI								
Of	fficial Fo	rm 106J						
Sc	chedule	J: Your	Exper	ises				12/15
Be info	as complete a	and accurate as	possible eded, atta	. If two married people ar ich another sheet to this				
Par	t 1: Descr	ibe Your House	ehold					
	■ No. Go to							
			in a separ	ate household?				
	□ N □ Y		st file Offici	al Form 106J-2, <i>Expenses</i>	s for Separate House	ehold of De	ebtor 2.	
2.	Do you have	e dependents?	■ No					
	Do not list Debtor 2.	ebtor 1 and	☐ Yes.	Fill out this information for each dependent	Dependent's relation		Dependent's age	Does dependent live with you?
	Do not state	the						□ No
	dependents	names.						☐ Yes
								□ No
								☐ Yes
								□ No
								☐ Yes
								□ No □ Yes
3.	Do your exp	enses include	_	N				⊔ Yes
O.	expenses of	f people other t d your depende	han _	No Yes				
		ate Your Ongoi			an an main a delect		oumalors suffice Cl	
exp				uptcy filing date unless y y is filed. If this is a supp				
the		h assistance an		government assistance i cluded it on <i>Schedule I:</i> \			Your exp	enses
4.		or home owners and any rent for th		ses for your residence. I or lot.	nclude first mortgage	e 4.	\$	1,015.00
	If not includ	led in line 4:						
	4a. Real e	estate taxes				4a.	\$	0.00
	4b. Prope	rty, homeowner's	s, or renter	's insurance		4b.	\$	0.00
			•	upkeep expenses		4c.		150.00
_		owner's associat				4d.	· ·	0.00
5.	Additional r	nortgage payme	ents for vo	our residence. such as ho	me equity loans	5.	\$	0.00

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Debtor 1 Bet	ty Ann Weaver	Case number (if kn	own) <u>16-13035</u>
6. Utilities:			
	ctricity, heat, natural gas	6a. \$	350.00
	er, sewer, garbage collection	6b. \$	0.00
	ephone, cell phone, Internet, satellite, and cable services	6c. \$	385.00
	er. Specify:	6d. \$	0.00
	housekeeping supplies	0u. \$ 7. \$	
	. •	·	550.00
	and children's education costs	8. \$	0.00
	laundry, and dry cleaning	9. \$	90.00
	care products and services	10. \$	90.00
	nd dental expenses	11. \$	250.00
•	tation. Include gas, maintenance, bus or train fare.	12. \$	100.00
	lude car payments.	13. \$	
	ment, clubs, recreation, newspapers, magazines, and books		50.00
	e contributions and religious donations	14. \$	0.00
5. Insurance			
	lude insurance deducted from your pay or included in lines 4 or 20. insurance	15a. \$	0.00
		· —	0.00
	alth insurance	15b. \$	322.00
	icle insurance	15c. \$	0.00
	er insurance. Specify:	15d. \$	0.00
	o not include taxes deducted from your pay or included in lines 4 or 20.	40. ^	
	Federal & State Income Taxes	16. \$	208.71
	nt or lease payments:	47- ^	2.55
	payments for Vehicle 1	17a. \$	0.00
	payments for Vehicle 2	17b. \$	0.00
	er. Specify:	17c. \$	0.00
	er. Specify:	17d. \$	0.00
	ments of alimony, maintenance, and support that you did not report as		0.00
	from your pay on line 5, Schedule I, Your Income (Official Form 106I).		
	ments you make to support others who do not live with you.	\$	0.00
Specify:		19.	
	I property expenses not included in lines 4 or 5 of this form or on Sch		
	tgages on other property	20a. \$	0.00
	al estate taxes	20b. \$	0.00
	perty, homeowner's, or renter's insurance	20c. \$	0.00
	ntenance, repair, and upkeep expenses	20d. \$	0.00
20e. Hor	neowner's association or condominium dues	20e. \$	0.00
1. Other: Sp	ecify:	21. +\$	0.00
0 Colouista	value monthly avenues		
	your monthly expenses	•	0.500.74
	ines 4 through 21.	\$	3,560.71
	line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add I	ine 22a and 22b. The result is your monthly expenses.	\$	3,560.71
2 Colordot-	your monthly not income		
	your monthly net income.	22c ¢	4.070.00
	by line 12 (your combined monthly income) from Schedule I.	23a. \$	4,073.99
23b. Cop	by your monthly expenses from line 22c above.	23b\$	3,560.71
OO COL	tract vous monthly over an active monthly is a series		
	stract your monthly expenses from your monthly income.	23c. \$	513.28
ine	result is your monthly net income.	200. Ψ	
24 Do you ex	spect an increase or decrease in your expenses within the year after y	ou file this form?	
	e, do you expect to finish paying for your car loan within the year or do you expect you		to increase or decrease because of a
	n to the terms of your mortgage?		
■ No.			
☐ Yes.	Explain here:		

American Collections E 205 S Whiting St Ste 500 Alexandria, VA 22304

BSI Financial Services 314 S. Franklin Street Titusville, PA 16354

Credit Control Corp 11821 Rock Landing Dr Newport News, VA 23606

Ditech Financial Llc 332 Minnesota St Ste 610 Saint Paul, MN 55101

Fauquier Hospital 500 Hospital Drive Warrenton, VA 20186

First Premier Bank 601 S Minnesota Ave. Sioux Falls, SD 57104

Hunoval Law Firm 501 Minuet Lane Suite 104A Charlotte, NC 28217

Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7317

Jasmine Weaver 8044 Leeds Manor Road Marshall, VA 20115

Midland Funding 2365 Northside Dr Ste 30 San Diego, CA 92108

NH Cash 169 South River Rd Bedford, NH 03110 OneMain Financial 300 St. Paul Place Baltimore, MD 21202

Santander Consumer USA P.O. Box 961245 Ft Worth, TX 76161

Stellar Recovery 4500 Salisbury Rd., Ste. 10 Jacksonville, FL 32216

Virginia Emergency Medicine 500 Hospital Dr. Warrenton, VA 20186

Webbank/Fingerhut 6250 Ridgewood Road St Cloud, MN 56303